

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

United States of America,  
Plaintiff,  
v.  
Aundray Lindsay,  
Defendant.

Case No. 0:14-cr-289(5) (SRN/BRT)

**ORDER DENYING PLAINTIFF'S  
MOTION FOR COMPASSIONATE  
RELEASE/REDUCTION IN  
SENTENCE UNDER 18 U.S.C. § 3582**

---

Allen A. Slaughter, Jr., United States Attorney's Office, 300 South Fourth Street, Suite 600, Minneapolis, Minnesota 55415, for Plaintiff.

Aundray Lindsey, Jr., 18182-041, FPC–Duluth, P.O. Box 1000, Duluth, Minnesota 55814, pro se.

---

SUSAN RICHARD NELSON, United States District Judge

Defendant, Aundray Lindsay, moves for compassionate release and for a reduction in sentence under 18 U.S.C. § 3582 [Doc. No. 597]. In response, the Government moves to dismiss Lindsay's motion for lack of jurisdiction [Doc. No. 604]. For the reasons set forth below, this Court denies Lindsay's motion and grants the Government's motion to dismiss.

A federal court may only grant a compassionate relief modification to a previously imposed sentence if all of the elements of 18 U.S.C. § 3582(c)(1)(A)(i) are met. *United States v. Biwer*, No. 05-CR-319(JMR), 2008 WL 170006, at \*1 (D. Minn. Jan. 16, 2008).

According to 18 U.S.C. § 3582(c)(1)(A)(i), a court may only modify a sentence if the Director of the Bureau of Prisons has made a motion requesting the court to do so. *United*

*States v. Ayala*, 351 F. App'x 147, 149 (8th Cir. 2009). Here, the Director of the Bureau of Prisons has not made such a request on behalf of Lindsay. Further, a court may not review the Bureau of Prisons' decision not to file such a motion. *Gutierrez v. Anderson*, No. CIV.06-1714(JRT/JSM), 2006 WL 3086892, at \*4 (D. Minn. Oct. 30, 2006).

Accordingly, **IT IS HEREBY ORDERED** that:

1. Defendant Lindsay's Motion for Compassionate Release/Reduction in Sentence Under 18 U.S.C. § 3582 [Doc. No. 597] is **DENIED**;
2. Plaintiff Government's Motion to Dismiss Defendant's Motion [Doc. No. 604] is **GRANTED**.

Dated: October 30, 2018

s/ Susan Richard Nelson

SUSAN RICHARD NELSON  
United States District Judge